



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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NOTICE OF ALLOWANCE AND ISSUE FEE DUE

1M62/0623

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/022,779	02/12/98	040	CROSS, L	1721 06/23/98
First Named Applicant	HENRY, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION ZERO VOLATILE ORGANIC COMPOUND COMPOSITIONS BASED UPON ORGANIC SOLVENTS WHICH ARE NEGLIGIBLY REACTIVE WITH HYDROXYL RADICAL AND DO NOT CONTRIBUTE APPRECIABLY TO THE FORMATION OF GROUND BASED OZONE

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	ACD-2-016	252-364.000	U96 UTILITY	YES	\$605.00	09/23/98

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.
09/022,779

Applicant(s)
Henry, Richard

Examiner
Cross, LaToya I.

Group Art Unit
1721



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to April 22, 1999

☒ The allowed claim(s) is/are 1-40

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

CYNTHIA HARRIS KELLY
PRIMARY EXAMINER
GROUP 1200-1721

B

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Bembenick on June 17, 1999.

2. The application has been amended as follows:

a) In claim 13, insert a comma (,) directly after "acrylic".

b) In claim 14, delete the term "and" which appears after "bromopropane".

c) Amend claim ~~13~~¹³ as follows:

B1
(13) ~~13~~¹³. The composition according to claim 1, wherein the solvent consists essentially of 40-90%, by total volume of the composition, 1-bromopropane, and wherein the resin consists essentially of 5-35% of a hydrocarbon resin, and 5-25% of [a resin, the resin comprising] at least one of styrene-butadiene, polychloroprene, polyvinyl chloride, acrylic, epoxy, urethane, nitrocellulose, or styrene resins.

d) Amend claim ~~14~~¹⁴ as follows:

B2
(14) ~~14~~¹⁴. The composition according to [claim 1] ~~claim 15~~¹³, wherein the [a portion of the] hydrocarbon resin is selected from the group of olefin, rosin ester, and terpene.

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B3 e) Amend claim ~~39~~⁴⁰ as follows:

(40) 40. A zero-VOC cleaning composition consisting essentially of the zero-VOC solvent, [wherein the zero-VOC solvent] t-butyl acetate.

Response to Amendment

The following is in response to Applicant's amendment and arguments filed on April 22, 1999, and entered as Paper No. 6. Claims 1-40 are now pending in the instant Application.

The rejection of claims 1-26 under 35 U.S.C. 112, first paragraph is withdrawn in view of Applicant's amendment to claims to describe the zero-VOC solvents as zero-VOC and "non ground based ozone forming." Also, Applicant explain the benchmark requirement to qualify solvents as zero-VOC.

The rejection of claims 1 and 25 under 35 U.S.C. 112, second paragraph is withdrawn in view of Applicant's amendment to the claims to delete the term "generally".

The rejection of claims 5 and 7 under 35 U.S.C. 112, second paragraph is withdrawn in view of Applicant's amendment to the claims to place them in proper Markusch format.

The rejection of claim 6 under 35 U.S.C. 112, second paragraph is withdrawn in view of Applicant's rewording of the claim to clarify the solvent component of the composition.

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The rejection of claims 11-15, and 17 under 35 U.S.C. 112, second paragraph is withdrawn in view of Applicant's amendment to the claims to rewrite the phrase "further consisting of".

The rejection of claim 25 under 35 U.S.C. 102b is withdrawn in view of Applicant's argument that the solvent composition of Boyles '676 contains mineral spirits which are very strong volatile organic compounds, whereas, the solvents used in Applicant's instant invention are zero-VOC solvents.

The rejection of claims 1-5, 7, 25 and 26 under 35 U.S.C. 103, in view of Rowe '762 is withdrawn in view of Applicant's arguments that the solvent-resin composition of Rowe '762 requires the presence of solvents such as monochlorotoluene which are volatile organic solvents, which Applicant's instantly claimed composition avoid using. Applicant also argues that Rowe '762 does not provide suggestion or motivation to remove the VOC solvents and that the Rowe '762 reference does not suggest that the compositions would be effective cleaning compositions without such VOC solvents.

The rejection of claims 1-5, 7, 8, 19 and 20 under 35 U.S.C. 103 in view of Toyama '185 and Boyles '676 is withdrawn in view of Applicant's arguments that neither reference suggests the removal of the VOC solvents present in the solvent compositions disclosed in the references. Thus, Applicant's claimed invention, which consists essentially of zero-VOC solvents, would not be obvious in view of Toyama '185 and Boyles '676.

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The rejection of claims 23 and 24 under 35 U.S.C. 103 in view of Dwyer et al '970 and Ashida '893 is withdrawn in view of Applicant's amendment to the claims to delete "1,2-dichloro-1,1,1-trifluoroethane". Thus, the claims as amended would not have been obvious, in view of Dwyer et al '970 and Ashida '873.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: Applicant's claimed invention is allowable over the prior art of reference because the prior art of reference do not teach or suggest compositions for cleaning, adhesives, blowing agents, coatings, or inks, which contain only zero-VOC solvents. The compositions of the prior art reference all contain solvents which cannot be considered zero-VOC. Applicant's claimed invention solves the environmental problems caused by the use of prior art compositions which contain volatile solvents and solvents which result in ozone depletion.

Therefore, for the reasons set forth above, Applicant's claimed invention is deemed to be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaToya Cross whose telephone number is (703) 305-7260.

LIC

June 19, 1999

CYNTHIA HARRIS KELLY
PRIMARY EXAMINER
GROUP 1200/1721

Cynthia Harris Kelly